

## **REMARKS**

The Examiner has required restriction in the above-identified application as follows:

- Group I:        Claims 19 and 20, drawn to a method of detecting a target biological agent in a sample;
- Group II:       Claims 21 and 22, drawn to a method of determining the presence of a target chemical ligand in a sample;
- Group III:      Claims 23-33, drawn to an assay reagent;
- Group IV:      Claims 34 and 35, drawn to a method of detecting a target biological agent in a sample;
- Group V:       Claims 36 and 37, drawn to a method of detecting first and second target biological agents in a sample; and
- Group VI:      Claims 38-41, drawn to a compound and a kit.

In response to the restriction requirement, Applicants hereby elect, with traverse, Group VI, Claims 38-41.

The above election has been made with traverse. In particular, Applicants respectfully submit that examination of all currently pending claims would not pose an undue burden on the Examiner. Section 803 of The Manual of Patent Examining Procedure states that “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” Applicants therefore respectfully request examination of all currently pending claims.

In responding to the restriction requirement, the Applicants take no position regarding whether the claims of the various groups identified in the Official Action define distinct inventions.

### CONCLUSION

In view of the above, Applicants submit that this application is now in condition for allowance and therefore request favorable consideration. If any issues remain which the Examiner feels ay be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Applicants' counsel, Christopher W. Raimund at (202) 861-3896.

Respectfully submitted,

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